

1. Movant is **ALLY BANK**.
2. Debtor, MONICA A ADDUCI AND CHRISTOPHER M LOSCALZO (Non-filing Co-debtor) are the owners of the premises located at **1616 COPPER BEECH ROAD, HUNTINGDON VALLEY, PA 19006**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
6. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.
7. As of December 1, 2017, Debtor has failed to tender post-petition mortgage payments for the months of June 2017 through December 2017. The monthly payment amount for the

month of June 2017 is \$4,263.83, payment amount for the months of August 2017 through December 2017 is \$4,080.42, less suspense in the amount of \$3,209.55, for a total amount due of \$21,456.38. The next payment is due on or before January 1, 2018 in the amount of \$4,104.42. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

8. Movant, **ALLY BANK**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

9. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

10. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

11. Movant specifically requests relief from the Co-Debtor Stay imposed by 11 U.S.C. 1301 as to the non-filing Co-Debtor CHRISTOPHER M LOSCALZO.

12. Movant, its successors and assignees posits that due to Debtor's continuing failure to tender post-petition mortgage payments and the resulting and ever increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(3), and that Movant, its successors or assignees should be allowed to immediately enforce and implement the Order granting relief from the automatic stay.

12. Movant requests that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 with respect to **1616 COPPER BEECH ROAD, HUNTINGDON VALLEY, PA 19006** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to

nonbankruptcy law; and

c. holding that due to Debtor's continuing failure to tender post-petition mortgage payments and the resulting and ever increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(3), and that Movant, its successors or assignees, should be allowed to immediately enforce and implement the Order granting relief from the automatic stay; and

d. waiving Federal Rule of Bankruptcy Procedure 3002.1; and

e. Lifting the Co-Debtor stay imposed by 11 U.S.C. 1301; and

f. Granting any other relief that this Court deems equitable and just.

/s/ Jerome Blank, Esquire

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